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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. 4-10-70784-MAG
)	
11 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING STATUS
12 v.)	HEARING, WAIVING THE TIMING FOR
)	A PRELIMINARY HEARING AND
13 JANE DOE, a/k/a "NAVCHAA SUREN,")	EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
14 Defendant.)	
)	
15)	Hearing Date: November 18, 2010
)	Time: 10:00 a.m.
16)	

17 The above-captioned matter is set on November 18, 2010 before this Court for a status
18 hearing. The parties jointly request that the Court continue the matter to December 16, 2010 at
19 9:30 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
20 3161(h)(7)(A) and (B)(iv), between November 18, 2010 and December 16, 2010.

21 Defendant Navchaa Suren was charged out of the Western District of New York with
22 making false statements to an immigration officer, in violation of 18 U.S.C. § 1001(a)(2). On
23 September 3, 2010, Ms. Suren made an initial appearance in this district and was released on a
24 bond. The current status of this case is that counsel for Ms. Suren is attempting to negotiate a
25 Rule 20 disposition under the Federal Rules of Criminal Procedure with the United States
26 Attorney's Office in the Western District of New York. The defense needs additional time to

Stip. Req. To Continue Hearing Date and to
Exclude Time, CR-10-70784-MAG

1 prepare this matter and to negotiate with the United States Attorney's Office. Defense counsel
2 recently received discovery from the Western District of New York and is in the process of
3 reviewing that discovery with Ms. Suren. Defense counsel also needs additional time to collect
4 immigration records and to investigate the immigration consequences of this matter.

5 For these reasons, Ms. Suren agrees to waive the timing of a preliminary hearing under
6 Rule 5.1 of the Federal Rules of Criminal Procedure. The parties agree that this waiver covers
7 all time between the date of this stipulation and December 16, 2010.

8 The parties also agree that the failure to grant this continuance would unreasonably deny
9 counsel for defendant the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence. Accordingly, the parties stipulate and agree that the ends
11 of justice served by this continuance outweigh the best interest of the public and the defendant in
12 a speedy trial. The parties further agree that the period of time from November 18, 2010 to
13 December 16, 2010 should be excluded in accordance with the provisions of the Speedy Trial
14 Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking
15 into account the exercise of due diligence.

16
17 DATED: November 16, 2010

18 /S/
JOSHUA HILL
Assistant United States Attorney

19
20 DATED: November 16, 2010

21 /S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the defense needs time to negotiate a Rule 20 disposition with the United States Attorney in the Western District of New York;
2. Given defense counsel's need to review the discovery in this case;
3. Given that defense counsel needs time to collect immigration records and to assess the immigration consequences of a conviction in this matter;
4. Given that defendant agrees to waive the timing of a preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure;
5. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
6. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of November 18, 2010, scheduled at 9:30 a.m., is vacated and reset for December 16, 2010, at 9:30 a.m., before the sitting United States Magistrate Judge. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from November 18, 2010 to December 16, 2010. It is further ordered that the timing of the preliminary hearing is waived between November 18, 2010 through December 16, 2010.

November 17, 2010


LAUREL BEELER
United States Magistrate Judge